



# NEBRASKA EQUAL OPPORTUNITY COMMISSION MEETING OF JANUARY 22, 2016

Commissioner Drumheller called the meeting to order in Lincoln, Nebraska at 9:02 a.m. on January 22, 2016. It was established after a roll call that there was a quorum.

# I. ROLL CALL

Commissioners Present
Eric Drumheller, Chairperson
Arnold Nesbitt
Janet Palmtag

Rita Griess, Vice Chairperson Michael Carpenter Royce Jeffries

Staff Present
Barbara Albers, Executive Director
Paula Gardner, Unit Director
Shelley Foss, Investigator III

Gretchen Eure, Unit Director Cat Souliere, Staff Assistant

# II. AFFIDAVIT OF PUBLICATION

The Affidavit of Service from the Lincoln Journal Star was read to show that the public was made aware of the January 22, 2016 Commission meeting.

### III. APPROVAL OF MINUTES

Commissioner Carpenter moved to approve the December 18, 2015 Commission meeting minutes.

Commissioner Griess seconded the motion.

**ROLL CALL:** 

Ayes:

Carpenter, Drumheller, Griess, Jeffries, Palmtag

Nayes:

Abstained:

Nesbitt

Motion Carried



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# IV. ADDITIONS OR CORRECTIONS

Under Section VIII. <u>SUCCESSFUL AGREEMENTS</u>, please add NEB 1-15/16-11-3214-H, NEB 1-15/16-11-3215-H, NEB 2-14/15-4-45633, and NEB 1-15/16-9-47326.

Under Section X. CONCILIATION, please add NEB 1-14/15-4-45859.

## V. PUBLIC INPUT (Non Case)

Limit of 5 minutes per person for a total of a 30 minute session.

None at this meeting.

# VI. INTRODUCTION TO PUBLIC INPUT (Agenda Cases)

The cases wherein a party to the case was present were moved to the front of the agenda under Section VII. CASE DISPOSITIONS.

#### VII. CASE DISPOSITIONS

NEB 2-14/15-4-45646 (Respondent was present.)

Commissioner Griess moved for no reasonable cause.

Commissioner Nesbitt seconded the motion.

ROLL CALL:

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained: Motion Carried

NEB 1-14/15-2-45585 (Complainant was present.)

Commissioner Carpenter moved for no reasonable cause.

Commissioner Jeffries seconded the motion.

**ROLL CALL:** 

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained:

Motion Carried

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NEB 2-14/15-2-45481 (Respondent was present.)

Commissioner Carpenter moved for no reasonable cause.

Commissioner Nesbitt seconded the motion.

**ROLL CALL:** 

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained: Motion Carried

NEB 2-15/16-8-45786 (Respondent was present.)

Commissioner Nesbitt moved for no reasonable cause.

Commissioner Griess seconded the motion.

**ROLL CALL:** 

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained: Motion Carried

NEB 1-15/16-8-47040 ((Respondent was present.)

Commissioner Griess moved for no reasonable cause.

Commissioner Palmtag seconded the motion.

ROLL CALL:

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained: Motion Carried

NEB 2-15/16-8-3187-H (Complainant was present.)

Commissioner Palmtag moved for no reasonable cause.

Commissioner Griess seconded the motion.

**ROLL CALL:** 

Ayes:

Nesbitt, Drumheller, Griess, Jeffries, Palmtag

Nayes:

Carpenter

Abstained:

Motion Carried

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# NEB 1-15/16-11-3216-H

Commissioner Drumheller moved to table this case until the next meeting. Commissioner Nesbitt seconded the motion.

ROLL CALL:

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained: Motion Carried

NEB 2-14/15-5-45661

NEB 1-14/15-6-45963

NEB 1-14/15-5-45912

NEB 2-15/16-7-45740

NEB 1-15/16-8-47042

NEB 2-14/15-6-45717

NEB 2-15/16-7-45764

NED 2-13/10-7-43/04

NEB 2-14/15-12-45191

NEB 2-14/15-5-45677

NEB 2-15/16-8-45779

NEB 1-15/16-8-3190-H

NEB 1-15/16-7-47016

NEB 1-14/15-4-45877

NEB 1-15/16-7-46986

NEB 2-14/15-4-45644

NEB 2-14/15-4-45638

NEB 1-15/16-7-3183-H

NEB 2-14/15-5-3154-H

NEB 2-14/15-5-3159-H

NEB 2-14/15-5-3164-H

NEB 2-15/16-11-3220-H

Commissioner Drumheller moved for no reasonable cause on the above cases. Commissioner Nesbitt seconded the motion.

ROLL CALL:

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained: Motion Carried Commission Meeting Minutes January 22, 2016 Page - 5 -

# VIII. SUCCESSFUL AGREEMENTS

NEB 2-15/16-7-45732

NEB 2-14/15-6-3170-H

NEB 1-15/16-11-3217-H

NEB 1-15/16-11-3218-H

NEB 1-15/16-11-3214-H

NEB 1-15/16-11-3215-H

NEB 2-14/15-4-45633

NEB 1-15/16-9-47326

Commissioner Drumheller moved to adopt the agreements. Commissioner Nesbitt seconded the motion.

ROLL CALL:

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained:

Motion Carried

# IX. ADMINISTRATIVE ACTIONS

#### A. EEOC

NEB 1-15/16-8-47062

NEB 1-14/15-3-45819

Commissioner Drumheller moved to adopt the findings of the EEOC. Commissioner Jeffries seconded the motion.

**ROLL CALL:** 

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Nayes:

Abstained:

Palmtag

Motion Carried

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# B. COMPLAINANT FILING INCOURT

NEB 1-15/16-7-47020

Commissioner Drumheller moved to administratively close the above cases based on the Complainant filing in court.

Commissioner Nesbitt seconded the motion.

**ROLL CALL:** 

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Nayes:

Abstained:

Palmtag

Motion Carried

### X. CONCILIATION

NEB 1-14/15-3-45826

NEB 1-14/15-2-45595

NEB 1-14/15-4-45859

Commissioner Drumheller moved to adopt the recommendations of the Director of Conciliations.

Commissioner Carpenter seconded the motion.

ROLL CALL:

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes:

Abstained:

Motion Carried

# XI. CONCILIATION CASES TO BE CONSIDERED FOR PUBLIC HEARING

None at this time.

#### XII. PUBLIC HEARING

None at this time.

### XIII. <u>CIVIL ACTION</u>

None at this time.

The Commission took a short break.

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#### XIV. BUSINESS

#### 1. Jurisdiction Issue

Director Albers asked the Commission whether to investigate or dismiss a case involving an airline's treatment of a Complainant. The Respondent claimed the NEOC does not have jurisdiction. The agency had requested an opinion from the Attorney General.

Commissioner Carpenter moved to continue with the investigation. Commissioner Drumheller seconded the motion.

ROLL CALL:

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained: Motion Carried

2. Region VII Training Conference, March 15 and 16, 2016, in Kansas City

Director Albers told the Commission that there will be a HUD conference in March in Kansas City. She has no further information at this time.

3. LCHR Conference April 19, 2016

Director Albers informed the Commission that the LCHR Conference will be held on April 19, 2016. Staff and Commissioners are invited to attend.

4. FEPA Rules and Regulations Changes

Director Albers said that, as a result of the change to the FEPA statute, the agency had to update the rules and regulations relating to FEPA. The hearing has been completed and now it continues on the path for final approval.

# 5. Pending Legislation

Director Albers updated the Commission on legislation involving the NEOC. LB 586, adding sexual orientation to the FEPA statute, is still before the legislature. LB 943 amends laws to change references to "husband and wife" to "spouse."

Commissioner Griess moved that the Commission support LB 943. Commissioner Palmtag seconded the motion.

**ROLL CALL:** 

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained: Motion Carried

LB 928 changes the Equal Pay Act, changing equal pay to comparable pay.

Commissioner Carpenter moved that the Commission support LB 928. Commissioner Drumheller seconded the motion.

**ROLL CALL:** 

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes: Abstained: Motion Carried

LB 983 modifies the FEPA statute to add that homosexuality and bisexuality are not disabilities. There are also some small language changes.

Commissioner Nesbitt moved that the Commission support LB 983. Commissioner Drumheller seconded the motion.

ROLL CALL:

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes:

Abstained:

Motion Carried

LB 867 amends the Administrative Procedures Act.

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# 6. Commissioner Timekeeping

Business Manager Kathy Bogenreif explained to the Commission that there is the possibility that the Commissioners will need to track their time spent doing Commission business in the future.

7. Commissioner Assignment of New Public Hearing Case

Director Albers asked for a volunteer for a new public hearing case. Commissioner Nesbitt volunteered.

8. Previous Month's Budget Reports

Commissioner Carpenter moved to approve and accept the previous month's budget reports. Commissioner Jeffries seconded the motion.

ROLL CALL:

Ayes:

Carpenter, Nesbitt, Drumheller, Griess, Jeffries,

Palmtag

Nayes:

Abstained:

Motion Carried

#### 9. Executive Director Position

Business Manager Bogenreif handed out information to the Commissioners regarding past job description, application information, and possible time line for the replacement of the Executive Director.

The Commission discussed the advertisement for the position.

Commissioner Palmtag left the meeting at 12:10 p.m.

#### XV. ADJOURNMENT

Commissioner Drumheller declared the January 22, 2016 Commission meeting ended at 12:16 p.m.

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Respectfully submitted,

Cat Souliere Staff Assistant January 22, 2016
Date

Barbara Albers
Executive Director

Date 25, 2016

The Minutes of the Nebraska Equal Opportunity Commission meeting of January 22, 2016 have been corrected and accepted, and henceforth approved on this date.

Chaipperson

2-19-16

Date